

**THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 7, 2006**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Bradford. Total -- 1.
Total -- 70.

Prayer was offered by Representative Saylor.

The Pledge of Allegiance was led by Johanna Roberts, Page.

Approval of Journal

February 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 6, 2006

Mr. Speaker:

I transmit herewith enrolled **SJM 114** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **SJM 114** and, when so signed, ordered it returned to the Senate.

February 6, 2006

Mr. Speaker:

I transmit herewith **S 1302**, **S 1303**, and **S 1311** which have passed the Senate.

WOOD, Secretary

S 1302, **S 1303**, and **S 1311** were filed for first reading.

Report of Standing Committees

February 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 33**, **H 548**, **H 549**, **H 550**, **H 551**, **H 552**, **H 553**, **H 554**, **H 555**, **H 556**, and **H 557**.

FIELD(18), Chairman

HCR 33 was referred to the Education Committee.

H 548, **H 549**, **H 550**, **H 551**, **H 552**, **H 553**, and **H 554** were referred to the Business Committee.

H 555, **H 556**, and **H 557** were referred to the State Affairs Committee.

February 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 440** to the Governor at 1:11 p.m., as of this date, February 6, 2006.

FIELD(18), Chairman

February 6, 2006

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 517** and recommend that it do pass.

WOOD, Chairman

H 517 was filed for second reading.

February 7, 2006

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 453**, **H 454**, **H 434**, **H 488**, and **H 477** and recommend that they do pass.

DEAL, Chairman

H 453, **H 454**, **H 434**, **H 488**, and **H 477** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

**HOUSE JOINT MEMORIAL NO. 12
BY AGRICULTURAL AFFAIRS COMMITTEE**

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, since the beginning of time, the ability of man to provide food, fiber, and fuel for himself and others has determined his independence, freedom, and security; and

WHEREAS, when man began to colonize, the strength of each and every colony was directly related to his ability to

provide a safe and reliable source of food, fiber, and fuel for his people; and

WHEREAS, when nations began to form, only nations with such ability rose to the top and since then many have fallen because they lost such ability; and

WHEREAS, agriculture is and will continue to be a fundamental and vital industry in Idaho, our nation, and the entire world; and

WHEREAS, a strong and viable agricultural industry is a very important part of our national security and overall well-being; and

WHEREAS, the primary source of funding for building schools, roadways, fire stations, and providing police protection in our rural communities comes from the taxes generated by agriculture and other natural resource industries; and

WHEREAS, American farmers, ranchers, and food processors are held by federal, state, and local laws to meet the highest standards in the world when it comes to environmental protection, worker safety, wage rates, and food safety concerns; and

WHEREAS, the family farm unit is the foundation of agriculture and one of the basic strengths of this nation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge that American farmers, ranchers, and food processors be enabled to compete freely and trade fairly in foreign markets on a strictly level playing field.

BE IT FURTHER RESOLVED, that because of the importance of the standards to which American producers and food processors are held, primarily standards concerning food safety, we urge that foreign countries wishing to participate in markets that lie within the boundaries of the United States be held to the same standards.

BE IT FURTHER RESOLVED, when determining the economic values of international trade agreements, we urge that these standards be quantified and considered in such determinations.

BE IT FURTHER RESOLVED, that we encourage the education of the general public as to the importance of the role agriculture plays in the development of a society, recognizing that such public education is critical in the preservation and strengthening of the family farm unit and the overall preservation and strengthening of the agricultural industry itself.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 12 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 558

**BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO DISTRICT HEALTH BOARDS OF TRUSTEES; AMENDING SECTION 39-411, IDAHO CODE, TO PROVIDE MINIMUM AND MAXIMUM NUMBER OF MEMBERS FOR BOARDS OF TRUSTEES FOR DISTRICT BOARDS OF HEALTH AND TO REVISE TERMS OF OFFICE FOR ORGANIZATION PURPOSES.

**HOUSE BILL NO. 559
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO CITIES; AMENDING SECTION 50-609, IDAHO CODE, TO PROVIDE THAT THE MAYOR OF A CITY IS HEREBY AUTHORIZED TO CALL ON EVERY RESIDENT IN THE CITY OVER TWENTY-ONE YEARS OF AGE TO AID IN ENFORCING THE LAWS.

**HOUSE BILL NO. 560
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO RULES OF THE ROAD; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-624, IDAHO CODE, TO PROVIDE FOR THE DUTY OF A DRIVER OF A MOTOR VEHICLE UPON APPROACHING A STATIONARY POLICE VEHICLE OR AN AUTHORIZED EMERGENCY VEHICLE DISPLAYING FLASHING LIGHTS.

**HOUSE BILL NO. 561
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1002, IDAHO CODE, TO REVISE THE CRITERIA FOR MAXIMUM ALLOWABLE LOAD FOR ANY VEHICLE TIRE OPERATED ON ANY PUBLIC HIGHWAY, TO PROVIDE NONAPPLICATION TO NONREDUCIBLE OVERWEIGHT AND/OR OVERSIZE VEHICLES AND/OR LOADS AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 562
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO USE OF DEALER AND MANUFACTURER LICENSE PLATES; AMENDING SECTION 49-1627, IDAHO CODE, TO PROVIDE THAT DEALER AND MANUFACTURER PLATES MAY BE USED ON LADEN VEHICLES OPERATED BY THE MANUFACTURER, DEALER OR HIS LICENSED VEHICLE SALESMAN, IN CONNECTION WITH THE MANUFACTURER'S OR DEALER'S BUSINESS AND TO PROVIDE THAT A DEALER PLATE MAY BE USED ON A LADEN VEHICLE OR TRAILER IN CONNECTION WITH A MANUFACTURER'S OR DEALER'S BUSINESS TO MOVE VEHICLES OR TRAILERS FROM A MANUFACTURER TO A DEALER, FROM DEALERSHIP TO DEALERSHIP OR FROM A DEALERSHIP TO OFF-SITE LOCATIONS IN PROMOTION OF THE DEALER'S BUSINESS.

HOUSE BILL NO. 563
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO ACUPUNCTURE; AMENDING SECTION 54-4703, IDAHO CODE, TO REVISE LICENSE REQUIREMENTS; AND AMENDING SECTION 54-4707, IDAHO CODE, TO REVISE CERTIFICATION REQUIREMENTS.

HOUSE BILL NO. 564
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO OPTOMETRISTS; AMENDING SECTION 54-1506, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO PROVIDE FOR THE DEPOSIT AND DISTRIBUTION OF FEES AND TO INCREASE THE ANNUAL FEE FOR LICENSE RENEWAL; REPEALING SECTION 54-1507, IDAHO CODE, RELATING TO ADDITIONAL LICENSE FEES; AND AMENDING SECTION 54-1508, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING THE COMPENSATION OF BOARD MEMBERS FROM CERTAIN MONEYS.

HOUSE BILL NO. 565
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE IDAHO RESIDENTIAL CARE ADMINISTRATORS ACT; AMENDING SECTION 54-4208, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO EDUCATIONAL PROGRAMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-4211, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING FOR THE ISSUANCE OF RESIDENTIAL CARE FACILITY ADMINISTRATOR LICENSES TO CERTAIN INDIVIDUALS; AND AMENDING SECTION 54-4213, IDAHO CODE, TO REVISE GROUNDS FOR DISCIPLINARY ACTION.

HOUSE BILL NO. 566
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2315, IDAHO CODE, TO INCREASE THE MAXIMUM ALLOWABLE FEE FOR LICENSE RENEWALS.

HOUSE BILL NO. 567
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE COMMISSION ON AGING; AMENDING SECTION 67-5008, IDAHO CODE, TO INCLUDE THE OMBUDSMAN PROGRAM AS ONE FOR WHICH GRANTS OR CONTRACTS MAY BE UTILIZED.

HOUSE BILL NO. 568
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO AGRICULTURAL FIELD BURNING; AMENDING SECTION 9-340D, IDAHO CODE, TO PROVIDE THAT A PUBLIC RECORDS EXEMPTION SHALL NOT APPLY TO CERTAIN INFORMATION RELATING TO

AGRICULTURAL FIELD BURNING AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 22-4803, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE ADVANCE NOTICE AND SHALL POST INFORMATION REGARDING AGRICULTURAL FIELD BURNING.

HOUSE BILL NO. 569
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY TAXATION; REPEALING SECTION 63-602FF, IDAHO CODE, RELATING TO PARTIAL EXEMPTION FOR PARCELS OF LAND IN A RURAL HOME SITE DEVELOPMENT PLAT; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602JJ, IDAHO CODE, TO EXEMPT THE SPECULATIVE PORTION OF EACH VACANT SUBDIVISION OR PLANNED UNIT DEVELOPMENT LOT FROM PROPERTY TAXATION UNTIL IMPROVEMENTS ARE BEING BUILT ON THE LOT OR IT IS SOLD OR TRANSFERRED TO AN UNRELATED ENTITY AND TO PROVIDE DEFINITIONS; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

HOUSE BILL NO. 570
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-337, IDAHO CODE, TO DEFINE "APPLICANT" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE THAT AN APPLICANT'S NAME SHALL BE DISCLOSED TO THE PUBLIC ONLY UNDER CERTAIN CONDITIONS; AND AMENDING SECTION 67-5241, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 571
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO VETERANS; AMENDING CHAPTER 5, TITLE 65, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 65-501, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE; AMENDING CHAPTER 5, TITLE 65, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 65-502, IDAHO CODE, TO DEFINE TERMS; REPEALING SECTION 65-503, IDAHO CODE, RELATING TO GROUNDS FOR REFUSING EMPLOYMENT OR DISCHARGING FROM EMPLOYMENT; AMENDING SECTION 65-502, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE PREFERENCE GIVEN TO QUALIFIED VETERANS, SPOUSES, WIDOWS AND WIDOWERS BY PUBLIC EMPLOYERS; AMENDING SECTION 65-506, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE BASIC PREFERENCE AND THE ADDITION OF POINTS TO COMPETITIVE EXAMINATION RATINGS; AMENDING SECTION 65-504,

IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO OBSERVANCE BY OFFICIALS OF THE PREFERENCE AND EXCEPTIONS; AMENDING SECTION 65-505, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS APPLICABLE TO THE FAILURE OR REFUSAL TO GIVE PREFERENCE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 65-507, IDAHO CODE, DEFINING "DISABLED VETERAN"; AMENDING SECTION 65-508, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS RELATING TO APPLICATION; AMENDING CHAPTER 5, TITLE 65, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 65-508, IDAHO CODE, TO PROVIDE FOR REEMPLOYMENT AND LEAVES OF ABSENCE; REPEALING SECTION 65-509, IDAHO CODE, DEFINING "VETERAN" AND REPEALING SECTION 65-510, IDAHO CODE, RELATING TO DEFINITIONS; AMENDING SECTION 65-501, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 65-515, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY; REPEALING SECTION 65-511, IDAHO CODE, RELATING TO REEMPLOYMENT RIGHTS OF PUBLIC EMPLOYEES CALLED FOR MILITARY DUTY, REPEALING SECTION 65-512, IDAHO CODE, RELATING TO RIGHTS AFTER REINSTATEMENT, REPEALING SECTION 65-513, IDAHO CODE, RELATING TO LEAVES OF ABSENCE FOR PUBLIC EMPLOYEES WHO ARE NOT ACCEPTED FOR MILITARY DUTY AND REPEALING SECTION 65-514, IDAHO CODE, RELATING TO ENFORCEMENT; AMENDING CHAPTER 5, TITLE 65, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 65-511, IDAHO CODE, TO PROVIDE SEVERABILITY; AMENDING SECTION 67-5302, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 67-5309, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL COMMISSION; AND AMENDING SECTION 49-123, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 572
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO COUNTY APPORTIONMENT OF FOREST RESERVE FUNDS; AMENDING SECTION 57-1303, IDAHO CODE, TO REVISE THE DISTRIBUTION FORMULA FOR FOREST RESERVE FUNDS RECEIVED BY SCHOOL DISTRICTS WITHIN A COUNTY RECEIVING FOREST RESERVE FUNDS, TO DELETE AN ARCHAIC TERM AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 573
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO LEGISLATIVE DISTRICT CENTRAL COMMITTEES; AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE THAT THE PRECINCT

COMMITTEEMEN WITHIN EACH LEGISLATIVE DISTRICT SHALL MEET WITHIN THE LEGISLATIVE DISTRICT OR AT A CONVENIENT LOCATION IN A COUNTY CONTIGUOUS TO THE LEGISLATIVE DISTRICT, WITHIN ELEVEN DAYS AFTER THE PRIMARY ELECTION.

HOUSE BILL NO. 574
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO IDAHO STATE VETERANS HOMES; AMENDING SECTION 66-901, IDAHO CODE, TO PROVIDE FOR ADMISSION TO AN IDAHO STATE VETERANS HOME TO THE SPOUSES OF ELIGIBLE VETERANS AND TO DEFINE "SPOUSE."

H 558, H 559, H 560, H 561, H 562, H 563, H 564, H 565, H 566, H 567, H 568, H 569, H 570, H 571, H 572, H 573, and H 574 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1302, S 1303, and S 1311, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 435 and H 436, by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that all bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:30 a.m., Wednesday, February 8, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:26 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:
 PAMM JUKER, Chief Clerk